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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/508,338	09/20/2004	Hans Gfeller	068754-0298	5678
22428	7590	06/11/2007		
FOLEY AND LARDNER LLP SUITE 500 3000 K STREET NW WASHINGTON, DC 20007			EXAMINER LANDRUM, EDWARD F	
			ART UNIT 3724	PAPER NUMBER
			MAIL DATE 06/11/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/508,338	Applicant(s) GFELLER ET AL.	
	Examiner Edward F. Landrum	Art Unit 3724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 May 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) 13-19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 September 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>9/20/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Claims 13-19 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 5/3/2007.

Applicant's election with traverse of Group I in the reply filed on 5/3/2007 is acknowledged. The traversal is on the ground(s) that the restriction practice has been improperly applied. This is not found persuasive because ability to restrict is not limited to what is found in the independent claims but what is found in independent groups. Furthermore, the examiner is under no obligation to follow what was formed in the PCT application.

The requirement is still deemed proper and is therefore made FINAL.

Information Disclosure Statement

The information disclosure statement filed 9/20/2004 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, multiple air nozzles

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must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

3. The abstract of the disclosure is objected to. Please remove (Figure 2) from line 16 of the abstract. Correction is required. See MPEP § 608.01(b).

Claim Objections

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4. Claims 5 and 10 are objected to because of the following informalities: Claim 5 is grammatically incorrect. Examiner recommends changing the phrase "a multiple of" in line 2 of claim 10 to "a plurality of". Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claim 12 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. It is not understood what the installation is and what the installation has to do with the device according to claim 1.

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 2, 5, 6, and 8-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 2, 5, and 9-11 recite the limitation "it". There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

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9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 1, 2, 4, 5, 8, 11, and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Lisec (U.S Patent No. 5,873,922).

Lisec teaches (see Figures 1-3) a device for dividing glass plates comprising a supporting surface (25) for supporting the glass plate in a vertical orientation. The support surface can be made as a rolling wall or an air cushion wall (Col. 2, lines 56-63). A conveyor means (13) is located below the support surface to convey the glass plates. The device comprises a horizontal breaking device (8) as the horizontal breaking device breaks the glass along horizontally extending lines (Y). The horizontal breaking device comprises a wedge shaped breaker bar (7) and holding means comprising suction devices (20) capable of holding a partial vacuum on the glass plates (Col. 3, lines 26-31). The device also has a vertical breaking device (3) for breaking the glass plates along vertical lines (X). The holding means are capable of holding the glass plates so that a line to be cut (Y) extends below the suction devices since the breaker bar (7) extends below the holding means.

11. Claims 1, 2, 3, 5, 8, 9, 11, and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Lisec.

Lisec teaches (see Figures 1-3) a device for dividing glass plates comprising a supporting surface (25) for supporting the glass plate in a vertical orientation. The

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support surface can be made as a rolling wall or an air cushion wall (Col. 2, lines 56-63). A conveyor means (13) is located below the support surface to convey the glass plates. The device comprises a horizontal breaking device (15) displaceable in the vertical direction (Col. 2, lines 64-67, Col. 3, Lines 1-3) for breaking glass plate along horizontally extending lines. The device also comprises a second horizontal breaking device (8). The second horizontal breaking device comprises a wedge shaped breaker bar (7) and holding means comprising suction devices (20) capable of holding a partial vacuum on the glass plates (Col. 3, lines 26-31). The device also has a vertical breaking device (3) for breaking the glass plates along vertical lines (X). The holding means are capable of holding the glass plates so that a line to be cut (Y) extends below the suction devices since the breaker bar (7) extends below the holding means.

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lisec as stated in either sections 10 or 11 in view of Harris et al (U.S Patent No. 5,353,910), hereinafter Harris.

Lisec fails to expressly state the rolling wall supporting surface comprising bars attached in an articulated manner.

Harris teaches (see Figure 4) a rolling wall support surface comprising bars (35) attached in an articulated manner.

It would have been obvious to have modified Lisec to incorporate the teachings of Harris to form the rolling wall out of bars pivotally attached at joints on either end. Doing so would provide an old and well known way of creating a rolling support surface capable of allowing the glass plates to be conveyed along the support surface without providing any friction that could potentially scratch and damage the glass plates.

14. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lisec as stated in either sections 10 or 11 in view of Hoetz et al (U.S Patent No. 6,505,483), hereinafter Hoetz.

Lisec fails to expressly state the air cushion supporting surface comprising multiple air nozzles.

Hoetz teaches (see Abstract) providing nozzles in a support surface to provide a means to form an air cushion between a glass plate and the support surface.

It would have been obvious to have modified Lisec to incorporate the teachings of Hoetz to provide air nozzles in the support surface for aiding in forming an air cushion between the support surface and the glass plates. Doing so would provide an old and well known way of creating an anti friction air cushion surface commonly used in glass manufacturing. The support surface would then be capable of allowing the glass plates to be conveyed along the support surface without providing any friction that could potentially scratch and damage the glass plates.

Allowable Subject Matter

15. Regarding claim 6, no teaching has yet been found that integrates the holding means into the support surface and then allows both to be displaced in the vertical direction.

Conclusion

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

See Notice of References Cited for listing of pertinent prior art.

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edward F. Landrum whose telephone number is 571-272-5567. The examiner can normally be reached on Monday-Friday 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on 571-272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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EFL
6/7/2007

EFL

A handwritten signature in black ink, consisting of a large, stylized 'B' followed by a horizontal line and a small upward curve.

BOYER D. ASHLEY
SUPERVISORY PATENT EXAMINER